

AFFIDAVIT OF AARON FARLEY

I, Aaron Farley, hereby state that I am of any age and competency to testify, and because of personal involvement in the below referenced act(s) and/or action(s), I am able to testify to the facts listed below, and should I be called to testify my testimony would be as follows:

1. I, Aaron Farley, am a federal prison presently being warehoused at FCI McKean, Bradford, PA 16701 (FCI McKean). And I have been a prisoner here since on or about 5/28/99.

2. During my incarceration here at McKean, I have been on/in the same housing unit as Juan Davila-Bajana before the time of his filing his Civil Complaint against UNICOR and a number of its staff. Specifically, I was in the same housing unit from 5/29/99 to 3/1/05.

3. I have had personal involvement with Mr. Davila during this time and had become aware of his personal habits to the extent that I know that he never smoked cigarettes. Specifically, Mr. Davila did not smoke cigarettes in the unit or at the UNICOR factory, even though the institution was a smoking facility at that time.

4. I had also witnessed Mr. Davila ask fellow prisoners to "please don't light that in here". (While being in his own personal cell).

5. I, Aaron Farley, hereby declare and affirm, under the penalty of perjury pursuant to 28 USCS §1746(2), that the foregoing Affidavit is true and correct to the best of my knowledge, recollection and belief, this 24<sup>th</sup> day of February, 2007.

Aaron Farley # 62587-061  
Aaron Farley, Pro Se  
Fed. Reg. No. 62587-061  
FCI McKean  
P.O. Box 8000  
Bradford, PA 16701

FILED  
MAR -1 10:43  
CLERK COURT  
U.S. DISTRICT COURT

Juan Davila-Bajana  
Fed. Reg. No. 47580-053  
FCI McKean  
P.O. Box 8000  
Bradford, PA 16701

Clerk of the Court  
U.S.D.C. for W.D. PA  
P.O. Box 1820  
Eire, PA 16501

RE: DAVILA V. HOLOHAN, ET AL., CASE NO. 1:04-cv-253

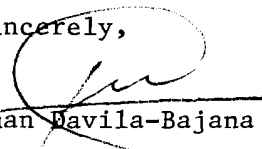
Dear Sirs:

Please find enclosed my Attachment as referenced in my recently filed Opposition to the Defendants' Motion to Dismiss, or in the alternative, Summary Judgement. To wit, the Affidavit of Aaron Farley.

I believe that this will complete my Opposition for the time being. Though I am presently reviewing my files and may wish to seek the Court's Leave to Supplement based in the fact that I had additional time to file my Brief due to the Court's Enlargement of Time to do so. But I did not receive the Court's Granting of my Extension until after I mailed the Opposition.

As always, I thank you for your time and efforts in assisting me. And should you need more from me, please contact me at the address above.

Sincerely,

  
Juan Davila-Bajana

enc. YES

cc. FILE; AUSA

Federal Correctional Institution McKean  
Name: JUAN DAVILA-BAJANA  
Reg.#: 47580-053  
P.O. Box 8000  
Bradford, PA 16701

ERIE PA 165  
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CLERK OF THE COURT  
U.S. DISTRICT COURT FOR  
WESTERN DISTRICT OF PENNSYLVANIA  
P.O. BOX 1820  
ERIE, PA 16501

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CLERK U.S. DISTRICT COURT  
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